

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

JOHN CHILDERS, Appellant,)	No. ED101405
)	
vs.)	Appeal from the Circuit Court
)	of St. Louis County
STATE OF MISSOURI, Respondent.)	Hon. Maura B. McShane
)	Filed: June 2, 2015

John Childers appeals from the judgment denying his motion under Rule 29.15 after an evidentiary hearing. We affirm.

AFFIRMED.

Division Three holds:

The amended motion was untimely where there was no record of the court granting a thirty-day extension, and the motion was filed after the sixty-day deadline. Although it was untimely, there is no need to remand in this case for an inquiry into abandonment under Moore v. State, 2015 WL 1735533 (Mo. banc April 14, 2015), because all of the claims in Childers's *pro se* and amended motion were adjudicated by the motion court in its written findings and conclusions after an evidentiary hearing.

The motion court did not clearly err in denying the claim for ineffective assistance of counsel. Childers failed to show how he was prejudiced by counsel's failure to object to a letter presented before sentencing where there was no evidence the court relied on the letter in determining the sentence.

Opinion by: Robert G. Dowd, Jr., J
Kurt S. Odenwald, P.J. and Gary M. Gaertner, Jr., J., concur.

Attorney for Appellant: Jessica Hathaway

Attorney for Respondent: Karen L. Kramer

<p>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</p>
